

Marin RCD Permit Coordination Program

Initial Study and Mitigated Negative Declaration

Summary of Public and Agency Comments

Marin RCD Board Issues and Final Determinations

Issue	Staff Actions Taken	Board Action Taken
Public participation process	Reviewed issue; proposed section added to MND on p. 18	Accepted proposed section
Use of herbicides	Retained use with added "extreme circumstances" and NPS language	Accepted with additions
Exclude delineated wetlands from permit coordination program (PCP)	Added discussion re NWP 27 wetland protection to Biological Resources section of Initial Study (IS); excluded language from NWP 27 (i.e., reversion, relocation of wetlands, and mitigation banking); added NWP 13 and NWP 27 as Appendix 4 and 5	Accepted proposed language and additions
SFBRWQCB approval process and 60-day project approval	Added to Individual Project Notification to Regulators on p. 18-19	Accepted
Request for 60-day project approval from EAC/SC	Required by SFBRWQCB and USFWS; language added throughout	Accepted
Process with NPS and NEPA compliance for NPS	Contacted NPS about comment letter	RCD/NRCS will continue to work with NPS on issues
Include work on non-agricultural lands	Done; fixed language on p. 5	Accepted
Consistency w/ DFG MOA and other documents	Added disclaimers to Appendices and in MND	Accepted
Annual inspections for 5 years	Revised MND	Accepted
Agricultural sustainability	Revised language on p. 15 in MND	Accepted proposed language
Ornithologist	Rec. Board discussion	DFG language retained
Landowner anonymity	Rec. Board discussion	Anonymity will be retained during review; regulators will be supplied with required info.
Include Riparian Buffers as practice	Rec. Board discussion	Not possible now, but definition of RB and preference for use added as footnote to Filter Strip
Cross reference mit. measures	Added cross references	Approved
Review and approve Final Determination in IS	Board discussion and action	Approved
Make <i>de minimus</i> determination	Board discussion and action	Approved

Marin RCD Permit Coordination Program
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Specific Public and Agency Comments

San Francisco Bay RWQCB

	Comment	Page in Ltr.	Page in MND	Action Taken by RCD Board
1.	Create appendix annotating practices for PCP	1	App. 3	Created Appendix 3
2.	Specify if “channel” or “waterway” is a stream in table of practices	2	5-10	Done
3.	Grade stabilization structures – riprap	2	6	Inserted suggested language in stream channel stabilization practice (per NRCS)
4.	Grade stabilization structures – limitations on use of rock	2	31	Inserted suggested language
5.	Distinguish grassed & lined waterways from streams	2	7	Done
6.	Spring development	2	8	Inserted suggested language
7.	Re streambank protection, clarify meaning of the word “structures”	2	8	SFBRWQCB language added
8.	Clarify the difference between stream channel stabilization and grade stabilization	2	6-9	Done
9.	Underground outlets	3	9	Inserted suggested language
10.	Fish stream improvement not to exceed 1000 feet	3	10	Inserted suggested language
11.	Grade stabilization structure – clarify width and length measurements, particularly the use of the term “stream length” in this context. The figure of 100 cubic yards of volume seems very large, please explain.	3	11	Address w/ SFBRWQCB and provide sketch of dimensions.
12.	Environmental protection and mitigation measures language to be removed	3	15	Removed language
13.	Coastal Commission should be included as a permitting agency	3	16	Done. The Coastal Commission has been consulted regarding consistency of this program with the Coastal Zone Management Act. Their finding indicates that the projects, which are consistent with the Marin County Local Coastal Program, do not need supplemental review by CCC.

14.	SFBRWQCB process and timing (60-day project approval)	3	19	Incorporated into MND
15.	Temporal Limitations on Construction	4	21	Changed date from October 31 to October 15 throughout
16.	Limitations of Construction Equipment – eqpt. description required	4	23	Inserted suggested language
17.	Limitations of Construction Equipment – gabions, etc.	4	23, etc.	Removed use of gabions, etc., throughout MND
18.	Limitations of Construction Equipment – gabions, etc.	4	33, etc.	Inserted suggested language
19.	Removal of Plants & Reveg.	4	25, etc.	Inserted suggested language
20.	Sediment Basin	4	7, etc.	Inserted suggested language
21.	Water and Sediment Control Basin	4-5	9, etc.	Inserted suggested language

Gulf of the Farallones National Marine Sanctuary (GFNMS)

	Comment	Page in Ltr.	Page in MND	Action Taken by RCD Board
1.	Notify of all applications	1	16	Added to list of permitters

Environmental Action Committee/Sierra Club (EAC/SC)

	Comment	Page in Appendix	Page in MND	Action Taken by RCD Board
1.	30-day public review	Ltr.	18	Incorporated into MND
2.	60-day response	Ltr.	19	SFBRWQCB language inserted. The approval period for agencies will be that of the agency that requests the longest window for review, currently the SFBRWQCB
3.	Include Riparian Buffers as practice	Ltr.	6	Adding RB practice is not possible now; EAC/SC suggested language added, and definition of RB added as footnote to Filter Strip.
4.	Cross reference mitigation measures	1	5-9	Project Description and Mitigation Measures need to be separate sections in MND per SCC attorney; cross-reference to pages in Mitigation Measures was added as requested.

5.	Filter strip vs. Riparian Forest Buffer (RFB)	1	6	Added footnote definition of Riparian Buffer.
6.	Grade stabilization structure – remove “downcutting channel” and other language at end	2	6	Suggestion not adopted, but significant limitations from SFBRWQCB were added to practice definition.
7.	Sediment Basin – perform upslope erosion control first; include criteria for outlet w/ maintenance schedule and regular inspections; build outside RFB.	2	7	Edited and inserted suggested language; significant limitations from SFBRWQCB were added to practice definition.
8.	Spring Development – should not apply to undisturbed springs; make written finding that habitat benefits outweigh livestock benefits.	2	8	Suggestion not adopted, but clarifying language from SFBRWQCB was added to practice description
9.	Streambank Protection	2	8	Added EAC/SC suggested sentence and SFBRWQCB language
10.	Stream Channel Stabilization	2	8	Added EAC/SC suggested language re plantings and new language
11.	Structure of Water Control	2	9	Added suggested language and NRCS sizing information.
12.	Underground Outlets	2	9	Added suggested sentence per this and SFBRWQCB comments.
13.	Water and Sediment Control Basin	3	9	Added SFBRWQCB requirements and NRCS sizing information; did not include “nor will it be used within riparian or wetland buffers”
14.	Agricultural sustainability	3	15	Approved language
15.	Include “most restrictive” conditions apply language	3	15	Added suggested language here and other places; used disclaimer on Appendices
16.	NPS should be partner agency	3	15-16	Process and NEPA compliance to be worked out with NPS by RCD and NRCS; not included with “regulators” but is included on p. 1 as agency whose approval is required

17.	Addition to step 7 re written finding optimal practices	3	17	Retained NRCS language; optimal practice will be selected
18.	Project notification	4	15-16	Changed language as suggested; used RWQCB notification language
19.	Ornithologist	4	21	DFG language retained
20.	Limits on Earthmoving	4	21	New language added
21.	Non-invasive grasses	4	22, etc.	New language added that only allows non-native grasses under special circumstances with regulator approval
22.	Historic fishery	4	23	Language added
23.	Gabions	4	23	Removed sentence throughout MND
24.	Control upstream sources	4	23, etc.	New language added
25.	Hydroseeding, etc.	4	24	New language added
26.	Grasses	4	24, etc.	New language added; see #21 above
27.	Removal of exotics required rather than recommended?	4	25	Original language retained because there are times when leaving exotics will result in less adverse impact than removal (i.e., where removal of exotics requires the use of herbicides or would result in destabilization of a potentially erosive area).
28.	Annual inspections should be 5 not 2 years	5	26	5-year monitoring incorporated into MND
29.	Pesticide regulations near salmon bearing creeks	5	28	No pesticides are allowed in the program; no herbicides may be used where threatened or endanger species occur
30.	Remove gabion lang.	5	29, etc.	Done throughout
31.	Organic fertilizer; rip. forest buffer	5	28, etc.	Suggested language added
32.	Address upstream sediment sources before removal of sediment	5	7, 23, 36, etc.	SFBRWQCB language added to Sediment Basin practice description and in special conditions on sediment basins. "Measures to control upslope sediment sources will be implemented where feasible and access allows." added in this section.
33.	Inspections by any requesting agency	5	34	Original language retained. Added that if any agency requests a site a visit, it will be coordinated with

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				NRCS and RCD staff or their designated representatives.
34.	30-day notice should be 60-day	5	15, etc.	Changed throughout MND
35.	Consistency	5		Checked throughout MND
36.	Remove “recreation”	5	A-2	Disclaimer added to back cover; added annotated Appendix 3

Thomas G. Baty (TGB)

	Comment	Page in Letter	Page in MND	Action Taken for RCD Board Evaluation
1.	Apply practices to non-agricultural land	1	5	Removed “agricultural”
2.	Critical Area Planting	1	5	Added suggested language
3.	Sediment Basin – question re deposition on bottomlands	1	7	Addressed with SFBRWQCB language
4.	Water and Sediment Control Basin	2	9	Addressed with SFBRWQCB language
5.	Broader protection of wetlands; exclude work in “delineated” wetlands	2	45 and App. 5	Added language in IS Botanical Resources and NWP 27 (annotated) as Appendix 5
6.	Other unnamed watersheds	2	13	Added suggested language
7.	Pesticides, etc.	2	28-29	Removed throughout
8.	Wetland impact determination	3	37, 45	Changed determination to “Less Than Significant Impact”; added text to Initial Study discussion and Appendix 5 annotations
9.	Pipeline	3	App. 1- A p. 3	Added disclaimer and annotated Appendix 3
10.	Net benefit/gain lang.	3	17	Language added to NRCS Planning Process
11.	Assurance of agency review	4	15-16	Added RWQCB language
12.	Pre-design oversight by regulators	4	15-16	Addressed by SFBRWQCB
13.	Public participation	4	18	Section added
14.	Landowner anonymity	4	general	Anonymity will be retained during review; regulators will be supplied with required information

National Park Service (NPS)

	Comment	Page in Ltr.	Page in MND	Action Taken by RCD Board
1.	Is NEPA compliance satisfied by MND?	1	general	RCD/NRCS will continue to work with NPS on NEPA issues
2.	RCD/NRCD commit to early NPS participation in project planning	2	18	Approved

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3.	Specific conditions should be in descriptions of practices	2	28-37	Project Description and Mitigation Measures must be separate sections in MND per SCC attorney; cross-references to pages in Mitigation Measures were added as requested by EAC/SC
4.	Gabions, etc.	2	passim	Removed throughout
5.	Herbicides	2	passim	Incorporated NPS language
6.	NPS species not included	2	39	Added to species list
7.	Develop process for implementation on public lands	2	general	RCD/NRCS will continue to work with NPS on implementation process
8.	Encourage means of public input		19	Public review section added